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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/689,163	10/20/2003	Karsten Dierksen	PO-7884/LcA 36,280	6387

157 7590 05/31/2006

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EXAMINER

HARPER, LEON JONATHAN

ART UNIT	PAPER NUMBER
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2166

DATE MAILED: 05/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/689,163	Applicant(s) DIERKSEN ET AL.	
	Examiner Leon J. Harper	Art Unit 2166	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to application 10689163 filed on 10/20/2003.

Claims 1- 15 are pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 20030167265 (hereinafter Cory) in view of US 20020133510 (hereinafter Lau).

As for claim 1 Cory discloses: generating, in a hierarchical database, a plurality of area checklists in the form of documents (See paragraph 0294 note: boxes for sensitivity variables), each area checklist having at least one input field, and entering

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data into said input field; accessing the relational database, and performing said risk analysis on the data exported to said relational database (See paragraph 0294 note: optimization run), and outputting risk analysis results for said project (See paragraph 0295 note: the three dimensional plot).

While Cory does not differ substantially from the claimed invention the disclosure of exporting the data from the hierarchical database to a relational database is not necessarily explicit. Lau however does explicitly disclose exporting the data from the hierarchical database to a relational database (See paragraph 0008). It would have been obvious to an artisan of ordinary skill in the pertinent art to have incorporated the teaching of Lau into the system of Cory in order to export the data from the hierarchical database to a relational database. The modification would have been obvious because relational databases provide many benefits by their very structure (showing object relationships) and exporting the data from one type of database to another save the time of having to map objects or records (See Lau paragraph 0002).

As for claim 2 the rejection of claim 1 is incorporated, and further Cory discloses: wherein each area checklist has an initial first status and a second status (See paragraph 0294 note: you input the different limits but there are defaults as disclosed in 0296), the method further comprising: generating, in said hierarchical database, a master checklist for the plurality of area checklists, said master checklist being in the form of a document and having an initial first status and a second status (See paragraph 0294 and 0295 note: there is a master document that list all the different

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variables it has a status bar and then all the individuals variables have a status bar), changing the initial first status of each area checklist to the second status of each area checklist when the data has been entered into the input fields of each area checklist', and changing the initial first status of the master checklist to the second status of the master checklist when all area checklists have been changed to their second status (See paragraph 0295 the individual status bars all become complete then the master status bar becomes complete).

As for claim 3 the rejection of claim 2 is incorporated, and further Corey discloses: resetting the second status of the master checklist to the initial first status of the master checklist (See paragraph 0066 not: when you re-run the status bar is reset); Selecting at least one area checklist to be edited; resetting the second status of each selected area checklist to the initial first status of each selected area checklist; and editing the data in the input fields of each selected area checklist (See paragraphs 0066 and 0295 note: you can recall old runs and change variables which will change the status bar and the optimization module can be run again).

As for claim 4 the rejection of claim 1 is incorporated, and further Corey discloses: providing access to at least a first risk analysis routine and a second risk analysis routine (See paragraph 0063); performing said risk analysis by means of said first risk analysis routine and said second risk analysis routine', and outputting graphically the risk analysis results (See paragraph 0069).

As for claim 5 the rejection of claim 1 is incorporated, and further Corey discloses: wherein the export of the data from the hierarchical database to the relational database, and performance of the risk analysis are conducted one of (i) periodically and automatically, and (ii) upon request (See paragraph 0145 and Figure 40 this determines if the user starts the analysis encoding methods and processes).

As for claim 6 the rejection of claim 1 is incorporated, and further Corey discloses: selecting a project portfolio comprising at least two of said plurality of area checklists (See paragraph 0066 note: once process is ran results and data are saved and you can open that saved document(s)); accessing the data which belongs to the selected area checklists of said project portfolio (See paragraphs 0066 and 0295 note: you can edit the information and run the process again); performing a further risk analysis on the data which belongs to the selected area checklists of said project portfolio; and outputting risk analysis results of said project portfolio (See paragraph 0063 and 0066).

Claims 7-9 are computer system claims corresponding to method claims 1-3, and are thus rejected for the same reasons as set forth in the rejection of claims 1-3.

Claims 10-14 are computer program claims corresponding to method claims 1,5,2,3,4 respectively, and are thus rejected for the same reasons as set forth in the rejection of claims 1,5,2,3,4.

As for claim 15 the rejection of claim 10 is incorporated, and further Corey discloses: wherein the computer program is stored on a digital storage medium selected from computer diskettes, CD-ROM'S and semiconductor computer chips (See paragraph 0217).

Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leon J. Harper whose telephone number is 571-272-0759. The examiner can normally be reached on 7:30AM - 4:00Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T. Alam can be reached on 571-272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LJH
Leon J. Harper
May 19, 2006


MOHAMMAD ALI
PRIMARY EXAMINER